

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Vincent S. Johnson

119 Franklin Street
Walterboro, South Carolina 29488.

SCDI File Number 2004-121977

**Consent Order
Imposing Administrative Penalty
And Allowing Licensure**

This matter comes before me pursuant to an agreement entered into, between the State of South Carolina Department of Insurance and Vincent S. Johnson, an applicant for a South Carolina resident insurance producer license.

In May 2004, Vincent S. Johnson, submitted an Application for Individual (Resident) Insurance Producer License. The Department denied the Application because a report compiled by the South Carolina State Law Enforcement Division and attached to the Application revealed that Vincent S. Johnson had been convicted by the South Carolina Circuit Court of General Sessions, Charleston County, of "Fraudulent Check" in The State v. Vincent S. Johnson (Criminal) Docket Number GO10-GO-33560. Vincent S. Johnson failed to disclose this conviction on the Application, which asked, "Have you been convicted, pled guilty, or pled nolo contendere to a violation of any law other than a minor traffic violation?"

Vincent S. Johnson requested a public hearing upon the Department's denial of the application. Subsequently, though, the parties agreed that, rather than contesting this matter, they would submit the entire matter to me, along with their specific recommendations, form my summary decision based solely on the record. The mutual recommendation was that Vincent S. Johnson would be granted a resident insurance producer license upon the submission of an administrative fine in the total amount of \$300.

Section 38-43-50 of the South Carolina Code requires an applicant for licensure as a South Carolina resident insurance producer to be "trustworthy." Vincent S. Johnson's failure to properly disclose and detail his prior conviction calls into question his moral fitness. I can, therefore, deny the Application. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2000), and after carefully considering the recommendation of the parties, I hereby conclude that the appropriate sanction for Vincent S. Johnson's above cited violations of the insurance laws of this State, as a prerequisite to his eligibility for issuance of his license to transact business as a State of South Carolina resident insurance agent, is the submission of an administrative penalty in the total amount of \$300.

The parties have reached this agreement through negotiation and compromise and in consideration of the nature of the conviction at issue and Vincent S. Johnson's clean record since that time. It is further agreed by the parties that the total amount of the administrative penalty must,

✓VSJ Vincent S. Johnson

pursuant to the provisions of S.C. Code Ann. § 38-43-130 (Supp. 2000), be paid within fifteen (15) days from the date of my signature upon this consent order. If that total penalty amount is not properly paid on or before that date, the denial of the application will be deemed final without further administrative proceedings. The parties expressly agree and understand Vincent S. Johnson's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order Vincent S. Johnson acknowledges that he understands this consent order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000)

Nothing contained within this administrative disciplinary order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director, exercised either directly or through the Department, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(3) (Supp. 2004).

It is, therefore, ordered that, within fifteen days from my date and signature upon this consent order, Vincent S. Johnson shall pay through the Department an administrative penalty in the total amount of \$300. This consent order is this Department's written consent for Vincent S. Johnson to engage in the business of insurance pursuant to the Federal Violent Crime Control & Law Enforcement Act of 1994, 18 USC Section 1033 (e)(2).

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for its distribution to its member states and a copy be placed in Vincent S. Johnson's licensing file.

This order takes effect upon the date of my signature below.



Ernst N. Csiszar
Director of Insurance

June 25, 2004, at
Columbia, South Carolina

V S J Vincent S. Johnson

I CONSENT TO THE ABOVE:



Vincent S. Johnson
119 Franklin Street
Walterboro, South Carolina 29488

Dated this 23rd day of June, 2004

 Vincent S. Johnson